

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2078 - SB 2032

February 15, 2016

SUMMARY OF BILL: Authorizes the Knox County General Sessions or Criminal Court clerks to implement a program of community service in lieu of full payment of court costs and litigation taxes for indigent defendants. Authorizes the Knox County General Sessions or Criminal Court judges to refer an indigent defendant to a community service program. Upon referral by a judge, the Knox County clerk may determine if the defendant qualifies for the program based upon the guidelines adopted by the clerk. The clerk may remove the defendant from the program at any time due to failure to comply with program guidelines. Upon a determination of successful completion of the program by the clerk, the Knox General Sessions or Criminal Court judges may suspend court costs and litigation taxes required by Tenn. Code Ann. §§ 67-4-602 through 67-4-606. Community service shall not be used to stay a revocation of a license pursuant to Tenn. Code Ann. § 40-24-105(b), or stay a collection activity that is being conducted pursuant to Tenn. Code Ann. § 40-24-105(d) for any of a defendant's cases that are not approved for inclusion by the respective clerk.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-25-123(b), the presiding judge of a general sessions court may currently waive the court costs and litigation tax that is to be paid pursuant to Tenn. Code Ann. §§ 67-4-602 through 67-4-606 for any indigent criminal defendant.
- Authorizing judges to refer indigent defendants to community service will not affect the number of people identified as indigent or reduce the amount of litigation tax or court costs collected. Therefore, no reduction in revenue to the state or the Knox County court system.
- The Knox County court clerk's office serves the General Sessions and Criminal Courts.
- The Knox County Court Clerk will not be required to implement a new community service program for indigent defendants. Such a program is assumed to be currently in existence. If any such program is implemented, it is assumed that it can be accomplished within the existing resources of the Knox County Clerk's Office.
- According to the Administrative Offices of the Courts, the proposed legislation will not impact trial courts.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/amj